

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-22-03

WHEREAS, **TASNIM UDDIN** had applied to Community Zoning Appeals Board 12 for the following:

EU-1 to RU-3M

SUBJECT PROPERTY: A portion of Lot 4 of KIRK ACREAGE, Plat book 47, Page 59, being more particularly described as follows:

Begin at the Northwest corner of said Lot 4; thence run N87°3' 28"E along the north line of said Lot 4 for a distance of 372.345' ; thence run S36°40' 41' W for a distance of 129.8' to a point on the south line of said Lot 4; thence run S87°3' 10"W along the south line of said Lot 4 for a distance of 289.285' ; thence run N3°6' 8"W along the west line of said Lot 4 for a distance of 100' to the Point of beginning.

LOCATION: East of S.W. 89 Court & approximately 508' north of S.W. 72 Street (Sunset Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

- 1) That the Property will be developed for residential purposes to be conveyed initially as an ownership (not rental) community.
- 2) That a concrete block wall, a minimum of five (5) feet in height, with trees at a maximum spacing of 25 feet on center apart, of a type approved by Miami-Dade County with a minimum height of fourteen (14) feet at planting, will be placed along the north property line prior to the final zoning approval for the first residential unit on the Property.
- 3) That the Property will be developed with a maximum of eight (8) residential units.
- 4) That any building(s) on the Property will be no more than two (2) stories in height.
- 5) That any building(s) on the Property will be setback a minimum of 35 feet from the side (north) property line.

- 6) That the Owner will not remove the existing Royal Poinciana tree located along SW 89 Court near the northwest corner of the Property.
- 7) As a condition precedent to obtaining plat approval, the Owner shall submit a site plan to the Miami-Dade County Planning and Zoning Department. Said site plan is to assure logic, imagination, innovation and variety in the design process and insure the congruity of the proposed development and its compatibility with the surrounding area. No request for plat shall be approved until the Owner obtains the approval of a site plan from the Planning and Zoning Department.
- 8) That the Owner will utilize graffiti-resistant materials and design in the required concrete wall along the north property line.
- 9) That the Owner will provide open space on any approved site plan in the east property area for the availability of all residents on the Property.

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that that the requested district boundary change to RU-3M would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and said application was approved by Resolution No. CZAB12-22-03, and

WHEREAS, **MANUEL H. PIEDRA** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

EU-1 to RU-3M

SUBJECT PROPERTY: A portion of Lot 4 of KIRK ACREAGE, Plat book 47, Page 59, being more particularly described as follows:

Begin at the Northwest corner of said Lot 4; thence run N87°3' 28"E along the north line of said Lot 4 for a distance of 372.345' ; thence run S36°40' 41' W for a distance of 129.8' to a point on the south line of said Lot 4; thence run S87°3' 10"W along the south line of said Lot 4 for a distance of 289.285' ; thence run N3°6' 8"W along the west line of said Lot 4 for a distance of 100' to the Point of beginning.

LOCATION: East of S.W. 89 Court & approximately 508' north of S.W. 72 Street (Sunset Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant, **TASNIM UDDIN** agreed to proffer an amended Declaration of Restrictions which among other things provided:

- 1) That the Property will be developed for residential purposes to be conveyed initially as an ownership (not rental) community.
- 2) That a concrete block wall, a minimum of five (5) feet in height, with trees at a maximum spacing of 25 feet on center apart, of a type approved by Miami-Dade County with a minimum height of fourteen (14) feet at planting, will be placed along the north property line prior to the final zoning approval for the first residential unit on the Property.
- 3) That the Property will be developed with a maximum of six (6) residential units.
- 4) That any building(s) on the Property will be no more than two (2) stories in height.
- 5) That any building(s) on the Property will be setback a minimum of 35 feet from the side (north) property line.
- 6) That the Owner will not remove the existing Royal Poinciana tree located along SW 89 Court near the northwest corner of the Property.
- 7) As a condition precedent to obtaining plat approval, the Owner shall submit a site plan to the Miami-Dade County Planning and Zoning Department. Said site plan is to assure logic, imagination, innovation and variety in the design process and insure the congruity of the proposed development and its compatibility with the surrounding area. No request for plat shall be approved until the Owner obtains the approval of a site plan from the Planning and Zoning Department.
- 8) That the Owner will utilize graffiti-resistant materials and design in the required concrete wall along the north property line.
- 9) That the Owner will provide open space on any approved site plan in the east property area for the availability of all residents on the Property.

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were insufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 12 in

Resolution No CZAB12-22-03 and that the appeal should be denied and the decision of Community Zoning Appeals Board 12 should be sustained, and that the proffered Declaration of Restrictions as amended should be accepted, and

WHEREAS, a motion to accept the proffered amended Declaration of Restrictions as amended and to deny the appeal and sustain the decision of Community Zoning Appeals Board 14 was offered by Commissioner Jimmy L. Morales, seconded by Commissioner Sally

A. Heyman, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose " Pepe" Diaz	aye	Dorin D. Rolle	absent
Betty T. Ferguson	absent	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	absent
Jimmy L. Morales	aye	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied without prejudice and the decision of Community Zoning Appeals Board 12 is sustained.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-22-03 shall remain in full force and effect.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered amended covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 9th day of October, 2003, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 03-2-CZ12-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 14TH DAY OF NOVEMBER, 2003.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

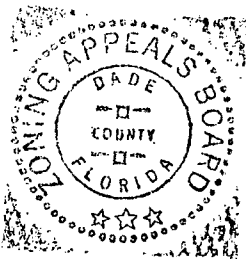
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-22-03 adopted by said Board of County Commissioners at its meeting held on the 9th day of October, 2003.

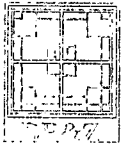
IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 14th day of November, 2003.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1ST STREET
SUITE 1210
MIAMI, FLORIDA 33128-1972
(305) 375-2800

November 18, 2003

Tasnim Uddin
c/o Jerry Proctor
2500 First Union Financial Center
Miami, Fl. 33131-2336

Re: Hearing No. 03-2-CZ12-1
Location: East of S.W. 89 Court & approximately 508' north of
S.W. 72 Street (Sunset Drive), Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-22-03, adopted by the Board of County Commissioners, which accepted the amended proffered Declaration of Restrictions, denied the appellant's appeal and sustained the decision of Community Zoning Appeals Board 12 on the above-described property.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and/or Certificate of Use and Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

You are hereby advised that an aggrieved party may appeal the decision of the Miami-Dade County Commission within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Jones", is written over the word "Sincerely,".

Earl Jones
Deputy Clerk

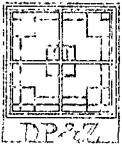
Enclosures

cc: W. Tucker Gibbs
P.O. Box 1050
Miami Florida, Fl. 33133

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

STEPHEN P. CLARK CENTER



DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1ST STREET
SUITE 1210
MIAMI, FLORIDA 33128-1972
(305) 375-2800

November 18, 2003

Tasmin Uddin
c/o W. Tucker Gibbs
P.O. Box 1050
Miami Florida, Fl. 33133

Re: Hearing No. 03-2-CZ12-1
Location: East of S.W. 89 Court & approximately 508' north of
S.W. 72 Street (Sunset Drive), Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-23-03, adopted by the Board of County Commissioners, which denied your appeal and sustained the decision of Community Zoning Appeals Board 12 on the above-described property.

You are hereby advised that the decision of the Miami-Dade County Commission may be appealed within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosures

cc: Jerry Proctor
2500 First Union Financial Center
Miami, Fl. 33131-2336